

5793. Misbranding of Formula 8—12 Vitamins—Minerals. U. S. v. 30 Dozen Bottles of Formula 8—12 Vitamins—Minerals. Default decree of condemnation and destruction. (F. D. C. No. 9393. Sample No. 32614-F.)

On February 24, 1943, the United States attorney for the Southern District of Indiana filed a libel against 30 dozen bottles of the above-described product at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce within the period from on or about January 10 to 14, 1943, by the Universal Products Co. from Cleveland, Ohio. The article was labeled in part: "Formulas 8—12 Vitamins—Minerals Contains Soy Bean Meal, Wheat Embryo, Gum Karaya, Brewer's Yeast, Kaolin, Kelp, Activated Ergosterol, Natural Vitamin A Ester, Thiamin Hydrochloride, Riboflavin, Dicalcium Phosphate, Iron Bihydrogen, Potassium Iodide and Oil of Orange."

The article was alleged to be misbranded in that statements which appeared on the label which represented and suggested that the article was of significant nutritional value by reason of the presence therein of Vitamin E, Vitamin B₆, and other factors of the B complex as found in brewer's yeast and the elements, potassium, sulfur, sodium, magnesium, copper, zinc, chlorine, and manganese were false and misleading since the product was not of significant value by reason of the presence therein of such vitamin factors and elements.

It was alleged to be misbranded further in that representations in the labeling that consumption of the product would insure normal functioning of the brain, eye, pituitary gland, parathyroid gland, thymus, heart, liver, and gall bladder, stomach and digestive system, gastro-intestinal tract, pancreas, suprarenals and adrenals, kidneys, bladder, gonads, prostate, nerves, arteries, veins, lymphatics (blood and blood vessels), muscles, bones, joints, ligaments, tendons, marrow, pineal gland, the ear, eye, spinal cord, spleen, hair, teeth and gums, thymus, lungs, mammary gland, regenerative system (ovary, placenta, prostate-gonads, etc.), and the nails; and that the article would be efficacious in the treatment or prevention of colds, infections of the lungs, formation of kidney stones and infections, the formation of bladder stones, cystitis, and other bladder infections, muscular spasms, cramps, exhaustion, inflammation and paralysis, ulcer of the eye, conjunctivitis, cataract, and night blindness, scaliness, dryness, paleness of the skin and various skin sores, gum infections, scurvy and loose teeth; and that it would be efficacious to promote health and cause the hair to become glossy and healthy were false and misleading since consumption of the article would not insure normal functioning of the various organs of the body as represented and would not be efficacious in the treatment or prevention of the various disease conditions mentioned and suggested.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs reported in drugs and devices notices of judgment, No. 944.

On April 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5794. Misbranding of Spark-O-Life. U. S. v. 418 Packages of Spark-O-Life. Decree of destruction. (F. D. C. No. 9197. Sample No. 2547-F.)

On or about January 20, 1943, the United States attorney for the Western District of Missouri filed a libel against 418 packages, each containing 24 ounces, of Spark-O-Life at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about January 6, 8, 11, and 13, 1943, from Kansas City, Kans., by Spark-O-Life Co.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that the article was pure, undulterated wheat embryo (germ); that, when taken as recommended, it was of important nutritional significance because of its content of riboflavin, vitamin E, magnesium, calcium, and iron; that it was effective in preventing or overcoming fatigue, lack of stamina, constipation, joint pains, and various types of nervous and digestive diseases; that it was effective to promote health and build new energy; and that a boxful of the article contained all of the wheat germ which would be derived from 750 pounds of wheat, or the total quantity of wheat produced on 1 acre of rich wheat land, were false and misleading since the article was a mixture of wheat germ, wheat bran, and wheat flour; the riboflavin, vitamin E, magnesium, calcium, and iron content of the article was not of important nutritional significance; the article was not effective in preventing or overcoming the conditions mentioned, and would not promote health and build